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March 3, 2021

**VIA ELECTRONIC MAIL**

Regional Freedom of Information Officer  
U.S. Environmental Protection Agency (EPA), Region 6  
1445 Ross Avenue (ORC-DF)  
Dallas, TX 75202-2733  
(214) 665-7302

***Re: Freedom of Information Act Request***

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), Hogan Lovells US LLP ("Hogan Lovells") requests information, as described in detail further below, from the United States Environmental Protection Agency ("EPA"), Region 6, relating to Gulf Coast Sequestration LLC's ("GCS") application to EPA for a Class VI Underground Injection Control permit in connection with GCS's carbon capture and sequestration project in Lake Charles, Calcasieu Parish, Louisiana.

Specifically, we request all records and information relating to GCS's application to EPA for a Class VI Underground Injection Control permit in connection with GCS's carbon capture and sequestration project in Lake Charles, Calcasieu Parish, Louisiana. This request includes, but is not limited to:

1. A copy of GCS's application to EPA for a Class VI Underground Injection Control permit, and all records provided by GCS to EPA related to the application for a permit.
2. All non-privileged records of communication relating to EPA personnel's consultations and communications conducted as part of GCS's Class VI Underground Injection Control permit application review process. This request includes, but is not limited to, memoranda, phone logs, meeting notes, schedules, requests for meetings, and a list of all EPA personnel involved in these communications.
3. All records related to requests 1-2 that EPA previously produced in response to other FOIA requests.

This FOIA request is not meant to be exclusive of any other records which, though not specifically requested, would have a reasonable relationship to the subject matter of this request. With respect to the form of production, see 5 U.S.C. § 552(a)(3)(B), we request that responsive documents be provided electronically in text-searchable, static-image format (PDF), in the best image quality in the agency's possession. We further request that reasonable metadata be transmitted along with responsive documents, including but not limited to email attachments, author and recipient information, date and time stamps, and the like.

## **FOIA Response**

The records requested herein relate to the submission of, and documents related to, GCS's application to EPA for a Class VI Underground Injection Control permit.

We believe that these records are not exempt from disclosure. If EPA should deny access to any records covered by this request, however, please describe in detail each of those records and specify the statutory basis claimed for denial as well as any reasons for asserting that claim. Specifically, please provide an exemption log identifying each document for which the exemption is claimed, together with the following information: date, sender, recipient, type (e.g. letter, memorandum, telegram, chart, photograph, etc.), subject matter of the document, the basis on which exemption is claimed, and the paragraph or paragraphs of this request to which the document responds. As described above, FOIA provides that if only a portion of a record is exempt from release, all reasonably segregable portions shall be provided. Thus, if EPA asserts that a portion of a record that we have requested is exempt, please provide us with a copy of the remainder of the record and provide in the exemption log the information specified above for the portion being treated as exempt. If EPA asserts that the exempt portions cannot be reasonably redacted, please state in detail the reasons for that assertion.

Please provide the requested material at the earliest possible date, and, in any event, please provide as complete a response as possible to this request within the twenty (20) day period prescribed by FOIA. Please forward currently available records as soon as possible and others as they become available.

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By codifying the presumption of openness through the FOIA Improvement Act of 2016, Congress has "put[] the force of law behind the notion that sunshine, not secrecy, is the default setting of our government." See Con. Rec. S3825 (daily ed. June 13, 2016 (statement of Sen. Leahy)). We look forward to receiving your response to this Request itself within twenty (20) business days, as required under 5 U.S.C. § 552(a)(6)(A)(i) and 43 C.F.R. § 216(a). We reserve the right to appeal a decision to withhold any information.

Please furnish all responsive records electronically to:

Adam Kushner, Partner  
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Phone: (202) 669-7253

Tim Roth, Associate  
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Thank you in advance for your assistance.

Sincerely,

A handwritten signature in blue ink, reading "Adam H. Kushner". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam Kushner